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SUBJECT: BULGARIA HAPPY TO BE OFF 301; PLEDGES TO CONTINUE IPR
EFFORTS

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¶1. Bulgarian officials were very pleased to learn on April 30 that Bulgaria was being removed from the Special 301 Watch List. Deputy Minister of Culture Ina Kileva and Deputy Minister of Economy Lachezar Borisov thanked us and assured us that Bulgaria would continue to work hard to reduce Intellectual Property Rights (IPR) crimes.

¶2. Kileva informed us the government was setting up a focus group to determine where to best re-target its public awareness campaign, and said they will continue enforcement against IP violators - especially in Internet crimes. She said a turning point for her efforts occurred recently when major Bulgarian business-owners began to realize that IP protection was not only important for those who owned IP-related companies, but for all who sought to portray Bulgaria as a law-abiding company to foreign partners.

¶3. Kileva went on to cite two areas where efforts need to be beefed up: the media and the courts. She blamed the media for favoring the "free IP" argument and not understanding the rights-holders' position, and said the GOB will put on a seminar in the Fall to bring U.S. and European academics and journalists to Bulgaria to discuss the issue. The courts are not giving out deterrent sentences in a way that will send a hard message, she said. Embassy Sofia's interagency team - including DOJ, Public Affairs, USAID, FCS and PolEc will work closely with the government on both of these issues.

¶4. The chair of Parliament's Health Committee, Borislav Kitov, assured us the regulatory fix to last year's Patent Law, which removed the extra 5 year protection period, would be honored. When we questioned whether it could be challenged by the competitors to American patent-holders, he pledged that if regulatory measures which give the extra period back to the patent-holders did not stand up in court, his committee would address the issue directly with the Minister of Economy. He clearly did not want to re-open the Patent law at this point. No company has yet challenged the law.

¶5. Embassy Sofia would like to thank the IPR interagency team in Washington, especially USTR, DOC, USPTO, DOJ and State, which provided expertise, insight, advice and perspective in helping us push the Bulgarians to this point. We'll need more of that in the future, as will the Bulgarians, so they stay on the right path and accelerate their momentum.

KARAGIANNIS